COMMITTEE ON ESTIMATES

Presentation of Fifth Report

Sri A. R. BADRI NARAYAN (Chairman).—I beg to present the Fifth Report of the Committee on Estimates relating to Community Development, National Extension Service, Local Development Works and Rural Development Works.

LAND ACQUISITION (MYSORE EXTENSION AND AMENDMENT) BILL, 1958.

Motion to suspend Rule 243

Sri KADIDAL MANJAPPA (Minister for Revenue).—Before making a motion for reference of this Bill to the Joint Select Committee, I want to make a motion under Rule 322 of the Rules of Procedure of this House for suspension of a particular rule. Under our Rules of Procedure the number of members to be nominated from this House to the Joint Select Committee in proportion to the Legislative Council is 3 to 1. But under the Rules of Procedure of the Upper House the proportion is 2 to 1. Therefore there is need to suspend our Rule No. 243 which provides for membership of Joint Select Committees. Therefore I would seek the indulgence of the Chair and the House to move a motion for suspension of Rule 243. I may also add that the Rules of Procedure of the Upper House are under revision. A Committee is actually considering this question. Until the Council rules are suitably modified, our rule should stand suspended. Moreover I wish to clarify that this suspension is only in respect of this particular Bill.

I beg to move :

"That Rule 243 be suspended in its application to the motion for concurrence in the appointment of a Joint Select Committee to consider the Land Acquisition Mysore) Extension and Amendment) Bill, 1958."

MR SPEAKER.—Motion moved :

"That Rule 243 be suspended in its application to the motion for concurrence in the appointment of a Joint Select Committee to consider the Land Acquisition (Mysore Extension and Amendment) Bill, 1958."

Sri C. M. ARUMUGHAM (Kolar Gold Fields).—Sir, I would oppose the motion. The motion was not circulated to us in advance and we are not aware of what the position is. I would suggest that instead of the Assembly suspending the rules, the Rules of Procedure of the Council be suspended. (*Laughter*).

Sri G. VENKATAI GOWDA.—Where the rules of both Houses conflict, the convention should be that the rules of the Lower House should prevail.

Sri KADIDAL MANJAPPA.—I would bring it to the attention of the Hon'ble Members that before we passed the new rules, the proportion was only 2 to 1.

Sri G. VENKATAI GOWDA.—That is no consideration. This House has now fixed it at 3 to 1. That should stand.

Sri M. C. NARASIMHAN.—The motion is very vague We do not know for what period the rule should be suspended The Revenue Minister may say that as long as the Council does nto amend the rules, our rule should stand suspended. That is a vague proposition and anything vague should *prima facie* be rejected. Secondly, may I ask what is the particular reason for giving this Bill a discriminatory treatment, because, in respect of other bills we did not choose to alter the proportion. It is not as if this Bill is more important than the Land Reforms Bill itself.

2-30 P.M.

Sri G. VENKATAI GOWDA.—After due consideration this House has agreed for the ratio 3 : 1.

MR. SPEAKER.—The motion is for the suspension of rule 243 for concurrence in the appointment of a Joint Select Committee to consider the Land Acquisition Bill, 1958. So this is only in respect of one Bill.

Sri G. VENKATAI GOWDA.—Why this speciality ?

Mr. SPEAKER.—After the amendment of the rules it was thought that the proportion of the members in the Joint Select Committee should be 3 : 1 but under the old rules under which we were working it was only 2 : 1. The Upper House have not yet amended the rules but they have appointed a committee and that committee has to submit a report. The question of concurrence under rule 243 will come after they adopt their own rules. Now there is a discrepancy. We have new rules but they have old ones. So we have to make adjustment. Either we have to sus pendour rule or they have to suspend their rule. Since the Bill has come before us from the Council for concurrence for the appointment of a Joint Select Committee.....

Sri C. M. ARUMUGHAM.—We will refer it back.

Mr. SPEAKER.—We have to suspend the rule in respect of this Bill only. So the members will find that there is nothing vague in this Because, tomorrow we may have to send a Bill to ehe Upper House for reference to a Joint Select Committee they will have to suspend their rule. But since the request has come from them we have to suspend our rule.

Sri KADIDAL MANJAPPA.—With your permission, Sir, I may inform the House that in c nnection with the Land Reforms Bill, the Council had to suspend their rule in order to agree to our proposal.

Sri G. VENKATAI GOWDA.—At the time they considered the Bill they should have asked us whether in our rules the quota has been fixed as 3 : 1. Instead of asking us .....

Mr. SPEAKER.—I will make it clear. The rules of the Upper House are being amended and a Committee has been set up for that purpose. I am sure that there will be some conformity with our rules. Till then we have to agree to the request which they have made.

Sri J. VENKATAPPA.—This House consists of 209 members and the Council 63. So we should have preference. Recently we have passed the Rules of Procedure and it is better that the Council suspend their rules.

Mr. SPEAKER.—After all, I do not think there is a feeling in the House that the Council is not going to conform to the proportion that is fixed in rule 243 of our rules.

Sri M. C. NARASIMHAN.—If it is the feeling of Government.....

Sri KADIDAL MANJAPPA.—It is not the feeling of Government. A motion has been passed in the Upper House for referring the Bill to a Joint Select Committee consisting of 6 members of that House and 12 members of this House. It is not a question of agreeing to the proposal of Government but of the other House. When they have accommodated such a proposal in connection with the Land Reforms Bill, I think it is but fair that we should agree to their proposal.

Sri M. C. NARASIMHAN.—It is a question involving the rights of the two Houses.

Sri KADIDAL MANJAPPA.—It is a transitional difficulty ; we have to get over it by suspending the rule. I do not think it is necessary for us to raise a controversy between this House and that House.

Sri M. C. NARASIMHAN.—As the Hon'ble Member Sri Venkatappa pointed out, the question of numbers and representation does arise.

Mr. SPEAKER.—I do not think any specific rights are involved in this. I only think it is a question of accommodation. The Rules of the Upper House do not permit the proportion 3 : 1. Since the request has come to this House, it is much better that we agree to it. It is for the members to say whether they agree to it or not. I understand from the Hon'ble Minister for Revenue that the other House accommodated this House at one time in such a manner.

Sri K. PUTTASWAMI (Mysore).—Of late a number of Bills are before the Upper House and they are passing resolutions requesting this House to agree to the appointment of a Joint Select Committee. According to their rules the proportion is 1 : 2 and according to our rules it is 3 : 1. This House consists of 209 members and that House 63. We are here in this House as direct representatives of the

(SRI K. PUTTASWAMI)

people. Many legislative enactments are coming before this House affecting the rights of the people and as such we should have an effective voice in the passing of the legislation.

Sri K. HANUMANTHAIYA (Ramanagaram).—That is a revising chamber.

S.ri K. PUTTASWAMI.—I am grateful to the Hon'ble Member for pointing that out.

I have been requesting the Government to see that as far as possible Bills originate in this House, giving an opportunity to the Upper House to sit as a revising chamber. Instead of that, that House is becoming a Lower House and this House an Upper House. I de realise the inconvenience or tht awkwardness with which we are faced. We cannot lightly brush aside a request made by the Upper House. But I would like the Government to see that these matters are regulated and that no room is given for further conflict.

Sri KADIDAL MANJAPPA.—According to the Members' view this kind of contingency should not arise hereafter. In future we will try as far as possible to avoid this contingency but there are now three or four Bills for which motions to refer them to Joint Select Committees have been passed in the Upper House and it is but inevitable that we should agree to it. According to the rules in vogue a Bill can be introduced either in this House or in the Upper House. Their rules are under examination and we will see that the rules they are going to adopt are in conformity with the rules that are in force here.

Sri M. C. NARASIMHAN.—How is it that most of the Bills originate in the Council and not here?

Sri KADIDAL MANJAPPA.—At that time this House was engaged in considering the Budget and other work and the Upper House had no work.

Sri V. P. DEENADAYALU NAIDU (Cubbonpet).—No doubt we respect the wishes of the Upper House while referring this motion for our concurrence, but I fail to understand why they also should not have respect to the procedure that is in vogue in this House. They should not bind us and restrict us to the proportion of 1 : 2. Nothing prevented that House from making the motion in such a way as to bring it in conformity with the rules of this House. They could very well have anticipated this difficulty and made provision for representation in the proportion of 1 : 3. Unfortunately we are now creating a very unhealthy precedent detrimental to the very interest of this House. It may be very easy for the Minister to say that that is not so and that this is only a contingency that has arisen. I do not see any reason for this extraordinary emergency or contingency to arise.

Sri KADIDAL MANJAPPA.—I do not think there is any need for me to explain further. We have revised our Rules, but they are engaged in the task of revising their Rules. Their new Rules will come into operation within a few months.

Sri M. RAMAPPA (Harihar).—If they do not revise their Rules in conformity with the Rules of this House, what happens?

Sri KADIDAL MANJAPPA.—Then it is for this House to vote down the motions coming from that House. There is actually no conflict now. According to the rules governing the conduct of business of that body they have made a motion and we have to adopt it as a temporary measure and tide over the difficulty. I am the Leader of that House. At the time of adopting this motion in that House there was no idea of creating any conflict.

Sri M. RAMAPPA.—That is a revising body. But it has taken up original legislation and that is the whole trouble.

Sri KADIDAL MANJAPPA.—There is no restriction on their taking up original legislation. The trouble has arisen because there was no uniformity in the rules. Now we are trying to bring about uniformity in the new rules.

Mr. SPEAKER.—I think now all the Hon'ble Members are satisfied about the necessity to agree to the request made by the Upper House. At the same time I must disabuse the idea in the minds of some of the Hon'ble

Members that the Upper House is not entitled to consider any original piece of legislation. That House is entitled to do that. In England, the House of Lords takes up original legislation. The idea that the Upper House is a revising body is only to act as a check on the Lower House. If, however, it is suggested that Bills involving policy and are of great importance should not be introduced in the Upper House I can understand that position. It will be very difficult for this House also to take up every piece of legislation as an original measure and that is why the Upper House has come forward to take up some measures first and send them on to us. Instead of questioning that, we must be thankful to that House. If we say that they should not take up original legislation, then in course of time we will find that we are burdened with such an amount of legislation that it would be impossible for this House to go through them. It is for this very reason that the Upper House in England also takes up some original legislative measures. It is precisely for that very reason that our Upper House takes up original legislation.

Sri C. K. RAJIAH SETTY.—But this should not be treated as a precedent.

Mr. SPEAKER.—There is no question of this becoming a precedent.

The question is:

"That Rule 243 be suspended in its application to the motion for concurrence in the appointment of a Joint Select Committee to consider the Land Acquisition (Mysore Extension and Amendment) Bill, 1958."

The motion was adopted.

Motion to concur in the appointment of Joint Select Committee.

Sri KADIDAL MANJAPPA.—I beg to move:

"That this House concurs in the appointment of a Joint Select Committee of the two Houses consisting of a total number of 18 members, 12 members from the Legislative Assembly and 6 members from the Legislative Council, to consider the Land Acquisition (Mysore Extension and Amendment) Bill, 1958, and that the following members of this House shall be the members of the Joint Select Committee:—

Sriyuts.—

1 D. Devaraj Urs
2 Dr. A. R. Karisiddappa
3 T. R. Parameswariah
4 J. Narayanappa
5 Basanna Gowda
6 P. G. Sidhanti
7 B. Vaikunta Baliga
8 M. P. Patil
9 Y. Veerappa
10 M. Ramappa
11 Putte Gowda
12 K. Kenchappa."

Mr. SPEAKER.—Motion moved:

"That this House concurs in the appointment of a Joint Select Committee of the two Houses consisting of a total number of 18 members, 12 members from the Legislative Assembly and 6 members from the Legislative Council, to consider the Land Acquisition (Mysore Extension and Amendment) Bill, 1958, and that the following members of this House shall be the members of the Joint Select Committee:—

Sriyuts—

1 D. Devaraj Urs
2 Dr. A. R. Karisiddappa
3 T. R. Parameswariah
4 Basanna Gowda
5 J. Narayanappa
6 P. G. Sidhanti
7 B. Vaikunta Baliga
8 M. P. Patil
9 Y. Veerappa
10 M. Ramappa
11 Putte Gowda
12 K. Kenchappa."

Sri T. PARTHASARATHY (Malleswaram).—May I know how these